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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 JUSTIN JAMES EDMISTEN,

11 Petitioner,

12 vs.

13 DWIGHT NEVEN, et al.,

14 Respondents.
15 _____
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Case No. 2:15-cv-00952-RFB-NJK

**UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME
TO FILE RESPONSE TO FIRST AMENDED
PETITION FOR WRIT OF HABEAS
CORPUS (ECF NO. 41)**

(FIRST REQUEST)

17 Respondents move this Court for an enlargement of time of 60 days from the current due date of
18 October 19, 2018, up to and including December 18, 2018, in which to file their Response to the First
19 Amended Petition for Writ of Habeas Corpus (ECF No. 41). This Motion is made pursuant to Fed. R.
20 Civ. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached declaration of
21 counsel. This is the first enlargement of time sought by Respondents to file this Response, and the request
22 is brought in good faith and not for the purpose of delay.

23 DATED: October 19, 2018.

24 Submitted by:

25 ADAM PAUL LAXALT
Attorney General

26 By: /s/ Jessica Perlick
27 Jessica Perlick (Bar. No. 13218)
28 Deputy Attorney General

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I, JESSICA PERLICK, being first duly sworn under oath, depose and state as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada, and am employed as a Deputy Attorney General in the Office of the Nevada Attorney General. I am assigned to represent Respondents in *Justin James Edmisten v. Dwight Neven, et al.*, Case No. 2:15-cv-00952-RFB-NJK, and as such, have personal knowledge of the matters contained herein.
2. This Motion is made in good faith and not for the purpose of delay.
3. The Response to the First Amended Petition for Writ of Habeas Corpus (ECF No. 41) is currently due October 19, 2018.
4. I have been unable with due diligence to timely complete the Response herein.
5. I was recently ordered by the state court to prepare a response by October 23, 2018, to a state habeas petition in *Watson v. Howell*, C-17-322212-1. Further, due to unforeseen conflicts for the originally-assigned deputies, and another member of our unit being out of the office on maternity leave, I was transferred two federal cases with impending deadlines, *Williams v. Gentry*, 2:04-cv-01620, and *Gonzales v. Baca*, 2:16-cv-02015. I am also finalizing responses to motions in a death penalty case, *Bollinger v. Gittere*, 2:98-cv-01263, which was transferred to me upon the retirement of the previous deputy.
6. Our unit is also responsible for responding to state petitions for writ of habeas corpus that challenge the calculation of time credits to inmates' sentences. The judicial department which handles these petitions increased the number of petitions set for hearing, and thus orders to respond, from 10/week to between 30-35/week. This has significantly increased the amount of time I have to spend working on state court petitions. I am currently assisting in the training of a new deputy to respond to such petitions, and have been responsible for review and approval of drafts.
7. I communicated with counsel for the Petitioner regarding scheduling issues, and she does not oppose this request for an extension.

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8. Based on the foregoing, I respectfully request an enlargement of time of 60 days, up to and including December 18, 2018, to file the Response to Edmisten's First Amended Petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this Friday, October 19, 2018.

/s/ Jessica Perlick
Jessica Perlick (Bar No. 13218)
Deputy Attorney General

APPROVED:

DATED this 22nd day of October, 2018.

RICHARD F. BOULWARE, II
United States District Judge

